

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION

BLUE SPIKE, LLC,
Plaintiff,

v.

TEXAS INSTRUMENTS, INC.
Defendants.

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Civil Action No. 6:12-CV-499-MHS-CMC

(LEAD CASE)

JURY TRIAL DEMANDED

**JOINT NOTICE OF DEFENDANT FACEBOOK BEING TREATED ONLY AS A
CUSTOMER AND NOT ALSO AS A SUPPLIER IN THE LEAD CASE**

Defendant Facebook, Inc., and Plaintiff Blue Spike, LLC, file this joint notice to the Court to clarify that Facebook is no longer being treated as a supplier in litigation deadlines against Facebook in Civil Action 6:12-CV-499-MHS-CMC, but instead as only a customer of Audible Magic's accused functionality. This is a result of the Court's December 22 Report and Recommendation (Dkt. 1889) recommending a grant of Facebook's Motion to Dismiss Separate Claims Against Facebook's Technology (Dkt. 1618-1). Thus, Facebook is proceeding under the Customer Scheduling Order (Dkt. No. 1331) in Civil Action 6:12-CV-499-MHS-CMC and, is no longer bound by the deadlines in Dkt. No. 1332 as a Supplier Defendant.

Plaintiff clarifies to the Court that it is pursuing Facebook's accused products pertaining to (1) its facial recognition technology and (2) its 2014 offering of audio and TV recognition features and software in Civil Action No 6:14-cv-987.

Date: 1/22/2015

Respectfully submitted,

/s/ Orion Armon

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that counsel of record who are deemed to have consented to electronic service are being served with a copy of this **JOINT NOTICE OF DEFENDANT FACEBOOK BEING TREATED ONLY AS A CUSTOMER AND NOT ALSO AS A SUPPLIER IN THE LEAD CASE**, *via* the Court's CM/ECF system per Local Rule CV-5(a)(3) on this 22nd day of January, 2015.

/s/ Orion Armon

Orion Armon

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